

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

**SESSION LAW 2013-394  
SENATE BILL 480**

AN ACT TO AUTHORIZE THE ACQUISITION OR CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**STATEMENT OF PURPOSE**

**SECTION 1.** The purpose of this act is to authorize (i) the acquisition or construction of the capital improvements projects listed in this act for the respective institutions of The University of North Carolina and (ii) the financing of these projects with funds available to the institutions from gifts, grants, receipts, self-liquidating indebtedness, Medicare reimbursements for education costs, hospital receipts from patient care, or other funds, or any combination of these funds, but not including funds received for tuition or appropriated from the General Fund of the State unless previously authorized by General Statute.

**SECTION 2.(a)** The capital improvements projects and their respective costs authorized by this act to be constructed and financed as provided in Section 1 of this act, including by revenue bonds, by special obligation bonds as authorized in Section 4 of this act, or by both, are as follows:

<b>Appalachian State University</b>	
Anne Belk Hall Renovations	\$ 4,000,000
Soccer Field to Field Hockey Renovation	1,500,000
<b>East Carolina University</b>	
Belk Residence Hall Demolition and Reconstruction – Supplement	16,000,000
Women and Children's Clinic Facility	71,605,960
<b>North Carolina A&amp;T State University</b>	
New Student Center	90,000,000
<b>North Carolina State University</b>	
Carmichael Locker Room Renovation	7,600,000
<b>The University of North Carolina at Chapel Hill</b>	
Rizzo Center Phase III Acquisition	36,000,000
Odum Village Replacement	25,000,000
Craige Parking Deck – Supplement	4,000,000
<b>The University of North Carolina at Charlotte</b>	
Holshouser Hall Renovation	16,000,000
Oak Hall Renovation, Phase V	8,900,000
Residence Hall, Phase XIII	34,750,000
<b>The University of North Carolina at Greensboro</b>	
Spartan Village Phase I Acquisition	67,000,000



<b>Western Carolina University</b>	
Upper Campus New Residence Hall	48,000,000
<b>Winston-Salem State University</b>	
Bowman Gray Stadium & Civitan Park Acquisition	7,500,000
New Residence Hall – Freshmen Living/Learning	20,800,000

**SECTION 2.(b)** Before undertaking a project authorized by this section or undertaking the associated cost and no later than October 1, 2013, the Board of Governors of The University of North Carolina shall prepare an estimate and shall report the estimate to the Joint Legislative Commission on Governmental Operations. The estimate shall include all of the following:

- (1) The total anticipated cost associated with each project.
- (2) The resources being pledged for each project, including (i) the preceding five fiscal years of any revenue stream anticipated to be obligated and current expenditures and obligations associated with each such revenue stream and (ii) a forecast of not less than five fiscal years of any revenue stream anticipated to be newly obligated or anticipated to be obligated to a greater extent for purposes of financing the project.
- (3) Anticipated term, interest rate, structure, and debt servicing schedule of any financing of costs for each authorized project.
- (4) Anticipated operating costs associated with each project for not less than five fiscal years, including the source of the funds.

**SECTION 3.** At the request of the Board of Governors of The University of North Carolina and upon determining that it is in the best interest of the State to do so, the Director of the Budget may authorize an increase or decrease in the cost of, or a change in the method of, funding the projects authorized by this act. In determining whether to authorize a change in cost or funding, the Director of the Budget may consult with the Joint Legislative Commission on Governmental Operations.

**SECTION 4.** Pursuant to G.S. 116D-26, the Board of Governors may issue, subject to the approval of the Director of the Budget, at one time or from time to time, special obligation bonds of the Board of Governors for the purpose of paying all or any part of the cost of acquiring, constructing, or providing for the projects authorized by Section 2 of this act. The maximum principal amount of bonds to be issued shall not exceed the specified project costs in Section 2 of this act plus five percent (5%) of such amount to pay issuance expenses, fund reserve funds, pay capitalized interest, and pay other related additional costs, plus any increase in the specific project costs authorized by the Director of the Budget pursuant to Section 3 of this act.

**SECTION 5.(a)** With respect to Winston-Salem State University's Bowman Gray & Civitan Park Acquisition project, the institution may accomplish construction, acquisition, and financing notwithstanding the requirement in G.S. 116D-22(5) as to location at the institution and either through direct ownership of the project or by participation in a long-term agreement with the City of Winston-Salem if the property that is the subject of the project is a stadium that supports a NASCAR-sanctioned one-fourth mile asphalt flat oval short track and if all of the following requirements are met:

- (1) The stadium is not renamed.
- (2) No parking fees are charged for racing events at the stadium, the amount of public parking remains at or greater than the current level, and replacement parking, if any, is located on property adjacent to current parking areas.
- (3) No prohibitions are placed on spectators of racing events at the stadium that would prohibit the spectators from entering with food, nonalcoholic beverages, or both. Nothing in this subdivision shall prohibit regulations on containers that are imposed on the grounds that the regulations are necessary for public safety.
- (4) Where the property is subject to a lease at the time of acquisition, the lease provides for or is modified contemporaneously to provide for (i) a dispute resolution process, including the use of a committee, to resolve any disagreement between lessor and lessee, (ii) a process for accountability by the parties and recourse for the failure of the parties to perform any

obligations or requirements included in the lease, and (iii) a prohibition against modification to co-located facilities that would adversely and materially impact race safety, operations, and costs, provided that the co-located facilities are football facilities.

- (5) Where the property is subject to a lease at the time of acquisition, the lease is for or is modified contemporaneously to be for a term of 30 years from the date of execution. If a modification to the lease term is required, the term of the lease may be extended up to 10 years notwithstanding any other provision of law.
- (6) The property continues to be made available, notwithstanding any other provision of law, for racing and racing-related events in a manner consistent with and under terms similar to those agreed upon for the use of the property immediately prior to the acquisition.

**SECTION 5.(b)** In support of subsection (a) of this section and "NASCAR's longest-running weekly race track" located within Bowman Gray Stadium, G.S. 18B-1006(a) reads as rewritten:

"(a) School and College Campuses. – No permit for the sale of malt beverages, unfortified wine, or fortified wine shall be issued to a business on the campus or property of a public school or college, other than at a regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes except for a public school or college function, unless that business is a hotel or a nonprofit alumni organization with a mixed beverages permit or a special occasion permit. This subsection shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioners, or a local school board. This subsection shall also not apply to the constituent institutions of The University of North Carolina with respect to the sale of beer and wine at (i) performing arts centers located on property owned or leased by the institutions if the seating capacity does not exceed 2,000 ~~seats, or to~~ seats; (ii) any golf courses owned or leased by the institutions and open to the public for ~~use~~; or (iii) any stadiums that support a NASCAR-sanctioned one-fourth mile asphalt flat oval short track, that are owned or leased by the institutions, and that only sell malt beverages, unfortified wine, or fortified wine at events that are not sponsored or funded by the institutions."

**SECTION 6.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26<sup>th</sup> day of July, 2013.

s/ Tom Apodaca  
Presiding Officer of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 10:46 a.m. this 23<sup>rd</sup> day of August, 2013